IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.134 OF 2007
WITH
CIVIL APPLICATION NO.199 OF 2007

Shri Balasaheb Namdeo Balwadkar & Ors. ..Appellants.

V/s.

Shri Rohidas P. Nimbalkar & Ors. ..Respondents.

Mr.V.B.Hagavane for appellants.

Mr.V.P.Sawant for Respondent No.2.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 6, 2007.

P.C. :

1. Heard counsel for the parties.

2. Indeed, the Court ordinarily ought to be lenient if the litigant was to suffer for the mistake of the advocate. However, in the present case, the stand taken by the litigant(appellants) has been rightly rejected by the trial Court after analysing the evidence, which has come on record. No fault can be found either in the approach or the conclusion reached by the trial Court in this behalf. In substance, the Court has rejected the plea of the appellants, as not bonafide. In such a case, no indulgence can be shown. Perhaps the only purpose of

the appellants is to protract the proceeding, so as to enjoy the suit land and deprive the respondent/plaintiff of the fruits of the decree. Hence dismissed.

3. Civil application disposed of accordingly.